

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Applicant appreciates the allowability of claim 5. For the purpose of expediting the prosecution of the present application, claim 5 has been amended to place it in independent form.

Claims 6 and 7 were rejected under 35 U.S.C. 112, first paragraph, for containing subject matter not adequately described in the specification. The Examiner stated that he was unable to find corresponding language in the specification. Applicant respectfully submits that the language "image and audio information is acquired around the portable telephone set by said image input means and said voice input means" is adequately described by the specification on page 9, lines 12-16. As explained in the specification "the system control means acquires the situation around the portable telephone set via the image input means and the voice input means." Thus, it should be clear to one of ordinary skill in the art that the image information of claims 6 and 7 is acquired by using the image input means to take a picture of the scene immediately surrounding the portable telephone. Likewise, it is clear that the audio information is acquired by using the voice input means to record sounds that are present around the portable telephone. Therefore, Applicant respectfully requests the withdrawal of the rejection.

Claim 1 was rejected under 35 U.S.C. 102(e) over U.S. Patent No. 6,496,477 to Perkins et al. Claim 1 has been cancelled by amendment herein, rendering the rejection moot.

Claims 2-4 and 6-8 were rejected under 35 U.S.C. 103(a) over Perkins in view of U.S. Patent No. 6,044,382 to Martino. Claim 2 has been canceled by amendment herein. For the following reasons, the rejection is respectfully traversed.

Regarding claim 3, neither Perkins nor Martino teaches or suggests a portable telephone comprising "means for automatically sending information corresponding to an incoming call to a prespecified mail address when an the incoming call is not answered," as required. The Examiner has

not indicated where this limitation is taught or suggested in the prior art. Since every limitation of the claim is not taught or suggested by the references, claim 3 is patentable over the prior art of record.

Regarding claim 4, neither Perkins nor Martino teaches or suggests a portable telephone comprising “means for notifying a mail address of a caller of other contact information when a call from the caller to the portable telephone set is not answered,” as required. The Examiner has not indicated where this limitation is taught or suggested in the prior art. Since every limitation of the claim is not taught or suggested by the references, claim 4 is patentable over the prior art of record.

Regarding claim 6, neither Perkins nor Martino teaches or suggests a portable telephone comprising “timer means for generating a signal every specific interval, image input means, voice input means, wherein image and audio information is acquired around the portable telephone set by said image input means and said voice input means” and “means for sending the information around the portable telephone set to the internet every specific interval,” as required. The Examiner has not indicated where this limitation is taught or suggested in the prior art. Since every limitation of the claim is not taught or suggested by the references, claim 6 is patentable over the prior art of record.

Regarding claim 7, neither Perkins nor Martino teaches or suggests a portable telephone comprising “image input means, voice input means, wherein image and audio information is acquired around the portable telephone set by said image input means and said voice input means,” and “means for sending the information around the portable telephone set to the internet according to a request from a trigger signal,” as required. The Examiner has not indicated where this limitation is taught or suggested in the prior art. Since every limitation of the claim is not taught or suggested by the references, claim 7 is patentable over the prior art of record.

Regarding claim 8, neither Perkins nor Martino teaches or suggests a portable telephone comprising “means for notifying a facsimile number of a caller of other contact information when a call from the caller is not answered by the portable telephone set,” as required. The Examiner has not indicated where this limitation is taught or suggested in the prior art. Since every limitation of the claim is not taught or suggested by the references, claim 8 is patentable over the prior art of record.


Further, Applicant submits that the Examiner has failed to set forth sufficient motivation to establish a *prima facie* case of obviousness for the combination of Perkins and Martino.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33596.

Respectfully submitted,

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